



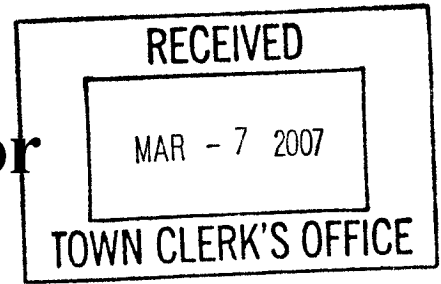
# Town of New Windsor

555 Union Avenue  
New Windsor, New York 12553  
Telephone: (845) 563-4615  
Fax: (845) 563-4689

## OFFICE OF THE PLANNING BOARD

WEDNESDAY — MARCH 14, 2007 - 7:30 PM

### TENTATIVE AGENDA



#### CALL TO ORDER

#### ROLL CALL

#### ANNUAL MOBILE HOME PARK REVIEW:

- a. Windemere Mobile Home Park

#### REGULAR ITEMS:

1. **MORONEY'S CYCLE SHOP (06-23) RT. 300 (SHAW)** Proposed combining of two lots and proposed 4,950 s.f. building for motor vehicle sales with 23 parking spaces.
2. **JOHN PIZZO SITE PLAN (05-32) RT. 300 & LITTLE BRITAIN ROAD (SHAW)** Proposed office building.
3. **DR. LOUIS CAPPASITE PLAN (07-06) RT. 94 (COPPOLA)** Proposed addition to existing medical office.
4. **WAL-MART OUT-LOT SUBDIVISION (07-08) RT. 300 (FISCHEL)** Proposed 2-lot commercial subdivision.
5. **WINDSOR GATE PLAZA EXPANSION AMENDED SITE PLAN (07-09) RT. 94 (CAPPELLI)** Proposed 8,940 s.f. retail/office building addition to existing building.
6. **RANJIV SALLY (05-04) UNION AVENUE** - Proposed reapproval of minor residential subdivision.

#### DISCUSSION

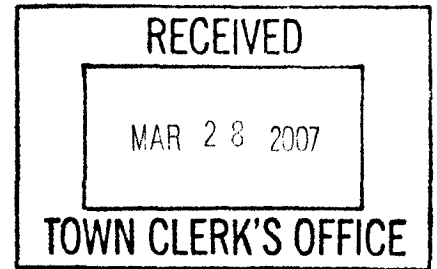
#### ADJOURNMENT

(NEXT MEETING – MARCH 28, 2007)

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TOWN OF NEW WINDSOR  
PLANNING BOARD  
MARCH 14, 2007



MEMBERS PRESENT: JERRY ARGENIO, CHAIRMAN  
HENRY VAN LEEUWEN  
HOWARD BROWN  
JOSEPH MINUTA

ALSO PRESENT: MARK EDSALL, P.E.  
PLANNING BOARD ENGINEER

MYRA MASON  
PLANNING BOARD SECRETARY

DOMINIC CORDISCO, ESQ.  
PLANNING BOARD ATTORNEY

ABSENT: NEIL SCHLESINGER  
DANIEL GALLAGHER  
HENRY SCHEIBLE

MICHAEL BABCOCK  
BUILDING INSPECTOR

REGULAR\_MEETING

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MR. ARGENIO: I'd like to call to order the March 14,  
2007 meeting of the Town of New Windsor Planning Board.  
Please stand for the Pledge of Allegiance.

(Whereupon, the Pledge of Allegiance was

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recited.)

MR. ARGENIO: With us tonight is Dominic Cordisco, Mark Edsall, Franny's here, Myra's here, we're short a member, we have a quorum, it takes three to make a quorum. Mike Babcock is not with us tonight, he had rather serious surgery about a week ago and I'm told that he's doing well.

MR. EDSALL: I spoke with him today, Mr. Chairman, in the afternoon and he's feeling much better.

MR. ARGENIO: Our thoughts are certainly with him. Thank you, Mark.

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ANNUAL\_MOBILE\_HOME\_PARK\_REVIEW:

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WINDMERE\_MOBILE\_HOME\_PARK

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MR. ARGENIO: Mobile home park review, Windmere Mobile Home Park. Somebody here to represent this? Your name, sir, for the record?

MR. JOHNSON: Richard Johnson.

MR. ARGENIO: If we get to, I have the fire inspector's specs sheet, I don't see any indication of any problems. Do you have a check for \$475, sir?

MR. JOHNSON: I have it here.

MR. ARGENIO: Made out to the Town of New Windsor? Unless there's any objections, I'll accept a motion that we extend special use permit for Windmere Mobile Home park.

MR. VAN LEEUWEN: So moved.

MR. MINUTA: Second it.

MR. ARGENIO: Motion has been made and seconded that the Town of New Windsor Planning Board offer one year extension to the Windmere Mobile Home Park in the Town of New Windsor. No further discussion, roll call.

ROLL CALL

MR. BROWN	AYE
MR. MINUTA	AYE
MR. VAN LEEUWEN	AYE
MR. ARGENIO	AYE

MR. ARGENIO: Thank you, sir, we'll see you in a year. Mark and Myra, we're going to have this meeting tonight but we're going to get with Mike Babcock before the

next meeting and we're going to find out how long his absence is going to be. Certainly he should take as much time as he needs to but in the meantime, I think we should seek to have somebody from his department represented here at the planning board level if the absence is going to be long.

MR. EDSALL: I spoke with the supervisor who's asked that I try to coordinate with their department as best I can and I am basically, Jen is helping out and the assistant building inspectors are providing me information so--

MR. ARGENIO: So what are you going to do, Mark?

MR. EDSALL: I'm trying to wing it so it's covered and if possible we don't need to burden the department anymore.

MR. ARGENIO: That's fine, so prior to the meetings you'll get with Jennifer, Frank and Lou, the assistant building inspectors and share the agenda with them, make sure there's nothing they need to have input on, for instance, a mobile home park that might have a problem.

MR. EDSALL: I will do so and also Mike is on with me today and just he said that if, while he's out he'll keep in contact with me and he's already given me about four assignments.

MR. ARGENIO: If I know Mike, it won't be too long.

MR. VAN LEEUWEN: According to Mr. Green, he told me about six months.

MR. EDSALL: He's going to be out quite a while. He's going to make himself available for help.

REGULAR\_ITEMS:

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MORONEY'S\_CYCLE\_SHOP\_(06-23)

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Gregory Shaw of Shaw Engineering appeared before the board for this proposal.

MR. ARGENIO: First regular item Moroney's Cycle Shop Route 300 represented by Greg Shaw. This application proposes construction of 4,950 square foot building. The application was previously reviewed at the 28 June, 2006 planning board meeting. Greg, can you tell us what we're looking at here? I want to just read the second half of note number 1 to refresh the members' memories. The applicant was referred to the ZBA on 7/7/06, this plan indicates that the required variances were received on 11/13 of 2006. Is that true, Mr. Shaw?

MR. SHAW: Yes, it is.

MR. ARGENIO: What say you?

MR. SHAW: As you mentioned, we start with this application with the combining of the two lots which are owned by the Moroney family. The existing lot which has the Moroney Cycle Shop on it is 1.07 acres and the parcel immediately to the north which is basically a macadam parking area is 0.559 acres, when we add them together, we're going to have 1.635 acres. We made an initial presentation before this board and we got a referral to the Zoning Board of Appeals because while this property was had the necessary variances over the past seven years, the town changed the zoning with respect to the bulk requirements for a motor vehicle shop therefore we needed a host of variances. If you look on the zoning schedule on the first drawing you'll see that we had 1, 2, 3, 4, 5, 6, 7 variances that we got from the zoning board of appeals, okay, and again, they recognized the fact that

the requirements were changed, we didn't change, the requirements changed. So, therefore, we're before you tonight asking for construction of a 4,950 square foot building.

MR. ARGENIO: So they're a little more lenient with you because of that change?

MR. SHAW: Yes, correct. It's two stories so the ground coverage is really only 40 by 70 feet for 2,800 square feet and as I said, the existing site is presently a macadam surface, we're going to have to take the westerly portion of it and regrade it and repave it, we're well under an acre of disturbance so the SPEDES storm water regulations will not apply. The fact that it is already macadam we're not creating any additional impervious surface. You'll notice on the second sheet is an existing conditions plan which basically showed the limits of the macadam pavement which supports the statement that I just made. I have met with the fire inspector working out the fire lanes to make sure that that was satisfactory to his office and very simply we're just proposing water hookup and a sewer hookup along with parking in the front and that's about the limit of the improvements. Again, we're providing a total of 43 spaces for the entire property which my client feels is adequate.

MR. ARGENIO: Do the parking calculations work?

MR. SHAW: Yes, well, we got a variance for them.

MR. ARGENIO: So they didn't work but you got the variance.

MR. VAN LEEUWEN: And the new building, what's it going to do?

MR. SHAW: Pat Moroney's here if you want to ask him directly but Harley Davidson wants the main building

for their product line so what Pat wants to do is construct the building for the Yamaha, Suzuki line and basically restoring square footage floor space in his existing space for Harley Davidson.

MR. VAN LEEUWEN: I know he likes antique cars so I figured he's going to sell antique cars, who knows.

MR. ARGENIO: Do you have adequate room for the, two questions, do you have adequate room for the geogrid for the wall behind the wall?

MR. SHAW: Yes.

MR. ARGENIO: It appears that you do. What about lighting, Greg?

MR. SHAW: You'll notice on drawing 3 that I prepared a lighting plan and it shows the location of the fixtures both freestanding and wall pack and what the foot candle spread is throughout the new area proposed for development.

MR. ARGENIO: Mark, there's no SWPPP issues here, is that because the disturbance is so small?

MR. EDSALL: Correct.

MR. ARGENIO: I'm going to read this to you, Greg, for your information, the two tax lots shown here on shall be combined as condition of site plan approval, documentation demonstrating same will be submitted to the attorney for the planning board prior to stamping of the site plans.

MR. SHAW: No problem.

MR. ARGENIO: Are you okay with that?

MR. SHAW: Standard.



MR. VAN LEEUWEN: Where is the flag pole? I know you got one in there.

MR. SHAW: I'm going to have to look awful hard for it.

MR. ARGENIO: Greg, while you look between this meeting and the next meeting, Mr. Moroney, unfortunately county law dictates that when your project is within 500 feet of a host of items one of which is a state highway we're obligated by law to submit the plans to the County for review. Certainly Mr. Shaw does a fine job typically with his plans and it looks like he's got this covered to a great extent with the exception of the flag pole.

MR. EDSALL: Just checking, the ZBA referred this, they didn't check both the planning board and the--

MS. MASON: No.

MR. EDSALL: So it was sent, we're trying to make the referrals now, send them over as a joint referral to the Planning.

MR. ARGENIO: So this was referred?

MR. EDSALL: Not for the planning board so we have to do it.

MR. ARGENIO: So we have to make that referral is what I'm trying to say, we can't give you final approval tonight because by law we can't act until we hear back from them which in lot of instances it's important because they do sometimes have the benefit of knowledge and information that we don't have the benefit of at all at our level, sometimes we have the benefit of information that they don't so it's essentially sharing of information. This application expands an existing use with no new curb cut to the state highway, the

board should discuss the need for referral to the DOT. I mean he's got cuts there, he's got ins and outs. Joe, do you have any comment on that or Howard?

MR. MINUTA: They're existing, they function now.

MR. ARGENIO: They function now, he's got a pair of them, he puts the Abrams tank in between them when he, that's the show in the spring I guess is that what that is an Abrams tank?

MR. MORONEY: We're not going to have it this year, I guess they moved, it was at the Armory for the longest time.

MR. ARGENIO: And you can't get it anymore, my kids will be disappointed.

MR. MORONEY: That was a big draw.

MR. ARGENIO: Certainly was big.

MR. MORONEY: Better than a free hot dog.

MR. ARGENIO: Dominic, what did the ZBA do relative to the lead agency, does anybody have an answer to that or should we just take lead agency?

MR. CORDISCO: You need to.

MR. ARGENIO: I'll accept a motion that we take lead agency under the SEQRA process.

MR. VAN LEEUWEN: So moved.

MR. BROWN: Second it.

MR. ARGENI: Motion has been made and seconded that the Town of New Windsor Planning Board take lead agency under the SEQRA review process. No further discussion,

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roll call.

ROLL CALL

MR. BROWN	AYE
MR. MINUTA	AYE
MR. VAN LEEUWEN	AYE
MR. ARGENIO	AYE

MR. ARGENIO: This is relatively simple, he's staying right under the threshold of 5,000 square feet for reasons which we all know which is certainly lawful. Does anybody have anything, I mean, we talked about the public hearing, we have at our discretion the ability to have a public hearing for this but he's got the Thruway behind.

MR. VAN LEEUWEN: Make a motion we waive the public hearing.

MR. ARGENIO: How do you guys feel about that?

MR. BROWN: I agree.

MR. VAN LEEUWEN: Why make him go through it.

MR. ARGENIO: Motion has been made.

MR. MINUTA: I'm sorry, again, there was already a public hearing?

MR. SHAW: At the ZBA.

MR. ARGENIO: It's requisite at that level, Joe. I'll accept a motion that the Town of New Windsor Planning Board waive the public hearing for the Pat Moroney plan.

MR. VAN LEEUWEN: So moved.

MR. BROWN: Second it.

MR. ARGENIO: Motion has been made and seconded that the Town of New Windsor Planning Board waive the public hearing requirement for Moroney's Cycle Shop site plan on Route 32. No further discussion, roll call.

ROLL CALL

MR. BROWN	AYE
MR. MINUTA	AYE
MR. VAN LEEUWEN	AYE
MR. ARGENIO	AYE

MR. ARGENIO: Does anybody see anything else that we should be focusing on? This is relatively simple, he's got a handicapped ramp, he's got the handicapped parking, he has the signs shown. Mark all that's in conformance on the plan, you looked at all that?

MR. EDSALL: It's fine.

MR. ARGENIO: What else is there to talk about, Greg? We've got to hear from County.

MR. SHAW: Well, I'll come back in 30 days.

MR. ARGENIO: Thank you. Good luck.

MR. EDSALL: Mr. Chairman, if we happen to get a return local determine that has no comment whatsoever, you may want to let the applicant know that they, you may advise them that their attendance may not be necessary, we have done that in the past.

MR. ARGENIO: Greg, do you understand that?

MR. SHAW: No.

MR. EDSALL: If we get back a local determination the

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board clearly has no comments if we get back a straight local determination there's no new issues we're aware of you may get told your attendance at the meeting is optional, maybe just pro forma.

MR. ARGENIO: That's not approval subject to but Mark can represent it.

JOHN\_PIZZO\_SITE\_PLAN\_(05-32)

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Mr. Gregory Shaw of Shaw Engineering and Mr. Anthony Coppola appeared before the board for this proposal.

MR. ARGENIO: John Pizzo. This application proposes development of a 3,300 square foot office building on the triangle parcel. That's the infamous triangle parcel, everybody knows where that is? Yes?

MR. VAN LEEUWEN: I know where it is.

MR. MINUTA: Yes.

MR. ARGENIO: The application was previously reviewed at the 10 May, 2006 planning board meeting.

MR. SHAW: Ready?

MR. ARGENIO: You're here or Anthony?

MR. SHAW: Yes, I am.

MR. ARGENIO: Mr. Shaw's here to represent the Pizzo site plan.

MR. SHAW: Mr. Coppola will discuss the architecture of the building which this board expressed an interest in very early on. I started working on this project probably a little over a year ago, I came up with a plan and the first thing I attacked was the parking, the grading and the storm water management and the highway because I felt that was the most critical. And that was submitted to the New York State DOT in March of last year, March 10, and after quite a bit of time I got some feedback that the highway entrance was acceptable and the storm drainage system that being underground storm water retention system was also acceptable. So with that under my belt and of course it's not in writing we asked for it on three different

occasions, the next step was to come before this board and get a referral to the Zoning Board. Again, this is a professional office zone which requires a minimum lot area of 43,560 square feet, we were short of that by 8,000 square feet and change and because this site is unique in that it has three front yards and we needed to provide a minimum front yard of 45 feet on all three streets we're off to the Zoning Board of Appeals. On November 13 of 2006, the Zoning Board of Appeals granted the four variances that we needed to make this consistent with zoning, that being the minimum lot area, eight foot front yard setback on Temple Hill Road, a 15 foot front yard setback on Route 207 and a five foot front yard setback on Little Britain Road. So the proposal before you tonight is on this parcel of land which is 8/10 of an acre is to construct a 3,300 square foot building. Along with that, we're providing 24 parking spaces which is two more than what we need according to your zoning ordinance, we have incorporated into the site areas for your refuse enclosure, your handicapped parking and we even have a flag pole.

MR. VAN LEEUWEN: Very good.

MR. SHAW: I felt this being such a visible piece of property in the Town of New Windsor it was important to incorporate that into the design. So as I said it's one story 3,300 square feet, the entrance has been reviewed by the DOT and have found it acceptable along with the drainage. I'd be willing to submit that to the planning board also for your review but tonight is really your first bite at the apple with respect to this site plan and maybe before you refer to the board I will ask Mr. Coppola to express the architecture of the building to this board.

MR. COPPOLA: Thanks, Greg. Just real quickly what we're doing is as Greg says one story 3,300 square foot office building. Because this is very visible in all

directions on all four sides of the building, I will describe what we're doing on the exterior. We're dividing the interior into a possibility of having three office suites, they'd be 1,200 square foot maximum so there's going to be three entrances, one entrance facing kind of the intersection of the roads here, a second entrance facing west, a third entrance facing east and then no entrance along the 207 side, so that's pretty straightforward, one tenant or three tenants or two. On the exterior because again it's extremely visible all the way around we're going to do a brick facade on all four sides so you'll see the same thing, basically same treatment of the materials on all sides of the building. Entrance at the front here I'm just going to call this the front we're going to use lime stone or accent course here at the window sill line that goes all the way around, soldier course around the windows there, two entrances area for a small kind of an identification sign, each office if it is two offices or one entrance on the side again brick columns there, entrance on the west side, same thing two columns, short overhang and then in the back again all brick hipped roof and just a little reverse gable there. So I think it's going to be a great looking building, I think it's appropriate for that site in terms of size and scale and hopefully it will look like it really belongs there.

MR. ARGENIO: What do you think, Joe?

MR. MINUTA: It's appropriate, I think it's appropriate for the overlay zone, I mean, everybody's allowed to do what they want, you know, I'd like to see a flat iron building on that parcel but I think it's a good proposal.

MR. ARGENIO: Let's talk about the site plan just a bit, Greg, you have Mark's, copy of Mark's plans?

MR. SHAW: Yes, I haven't look at them but I will now.



MR. ARGENIO: Yeah, you'll have the opportunity to look at them. I don't think he's got anything there that anybody should be twisted up about but I do want to ask a question. You're raising the east end of the site and I'm assuming that's so you can get some semblance of level to the entire site?

MR. SHAW: Well, I have 30 inch HVPE pipes, that's the reason why I'm up in the air.

MR. ARGENIO: How about the driveway going out to Little Britain Road, Mark has a note that it's 5 percent going onto Little Britain Road. Mark, don't we typically when driveways and subdivision roads intersect town road, I know this is a state highway, doesn't Anthony typically look for a flat grade or a grade that rolls away from the highway for a certain horizontal distance?

MR. EDSALL: That's the normal, I can see exactly what happened to Greg and correct me if I'm wrong but he needed to cover the pipes that are being used for the water storage, storm water storage and he's also to make sure that that storm water doesn't run out onto the road, he's got a slotted drain so it's a matter of the site conditions driving the driveway configuration, I don't know that he's got any other choice.

MR. ARGENIO: Are they perforated pipes the big ones?

MR. SHAW: No, they're not, solid pipe. I may want to point out while I do have a 5 percent slope through here this is the 311 contour, this spot elevation existing is 310.8 and I'll just quickly go through 310.5 so maybe this is 310.5, I only have a half foot of fall in the last 25 feet.

MR. ARGENIO: Very good point.

MR. SHAW: What happens we have a dished effect so even if this was 5 percent right to the edge of pavement I wouldn't have a problem but that's not the case, it's 5 percent then it bellies out.

MR. EDSALL: The 5 percent is on that kind of turn into the parking lot.

MR. ARGENIO: I see it. One other thing Greg, Mark has a comment here that catch basin 6A and 6B should be moved to the center of the parking space. I agree with that comment but I will extend that to catch basin number 7, I think that should be moved to the center of the spot as well. Any reason you wouldn't want to do that to the center of the parking stall so if somebody gets out, i.e., a woman in heels she doesn't step in it?

MR. SHAW: I can accommodate both.

MR. ARGENIO: Now if I asked to move it in a north-south direction it's going to knock you out of line but east-west you should be able to do that.

MR. SHAW: It's not a problem. One other thing I'd like to bring out and I'd like to take credit for but I won't because this was generated by your engineer, I have a refuse enclosure really right at the front door, there's no other place to put it, it's central and it was a masonry refuse enclosure as standard as to what this planning board wants, what Mark suggested and the drawings reflected is that we take this masonry enclosure and brick, face it similar to the brick on the building then what we're going to do is we're going to get some signage instead of having identification sign, get some lettering and put it on the face of the brick of the refuse enclosure so we won't have to put a sign up, the back of the brick refuse enclosure will actually serve as an identification sign for the project.

MR. ARGENIO: Somebody look at the landscaping? Oh, you did landscape.

MR. MINUTA: That's a good way of utilizing that.

MR. EDSALL: We have some fun at the workshops thinking of those kinds of things.

MR. ARGENIO: I agree with Mark's comments too, Mr. Shaw, just for the record, lead agency coordination letter we haven't sent that out yet. I'll accept a motion that we circulate that.

MR. VAN LEEUWEN: So moved.

MR. MINUTA: Second it.

MR. ARGENIO: Motion has been made and seconded that the Town of New Windsor Planning Board circulate a lead agency coordination letter for the Pizzo site plan on Route 207. No further discussion from the board members, roll call.

ROLL CALL

MR. BROWN	AYE
MR. MINUTA	AYE
MR. VAN LEEUWEN	AYE
MR. ARGENIO	AYE

MR. ARGENIO: Greg, I'm sure I don't have to tell you that this falls under Orange County referral umbrella. Mark, do we need to vote?

MR. EDSALL: No, it's just a matter of the board thinking the plan's ready to go.

MR. ARGENIO: Dominic, prepare whatever paperwork needs to be prepared, let's get that referred to the County.

Also number 6 I'm going to read, if the planning board should determine for the record if a public hearing will be required for this site plan per its discretionary judgment under paragraph 386 of the zoning local law. I feel different on this project than I do the Moroney project, it's high profile and I don't think it's going to affect your time line, Greg, so I think that we should schedule that.

MR. VAN LEEUWEN: So moved.

MR. ARGENIO: I feel that the plans are in a condition now where we probably can do that.

MR. SHAW: There's nothing for me to add.

MR. MINUTA: Second it.

MR. ARGENIO: Motion has been made and seconded that the Town of New Windsor Planning Board schedule a public hearing for the Pizzo site plan application. No further discussion, roll call.

ROLL CALL

MR. BROWN	AYE
MR. MINUTA	AYE
MR. VAN LEEUWEN	AYE
MR. ARGENIO	AYE

MR. ARGENIO: I have a note from Mr. Bedetti, our fire inspector, the plan is unacceptable, you need 30 foot fire lane and also dead-end fire apparatus road in excess of 150 feet is not permitted. So, Greg, you need to get with Barney about that and you guys should have a discussion. I think for the most part I think that I'm sure you're hearing this from the other members that the architecture is nice, we have a professional that took a look at that and he's happy with that and I think that you're making something work

there and a lot of people have not had the ability to do that but we have to keep Mr. Bedetti satisfied because he keeps us in compliance.

MR. SHAW: I'll do that.

MR. MINUTA: I'd like to make a suggestion on the enclosure it might be nice if we can do a pilaster on each side like a sign and do your lime stone cap, make it a--

MR. ARGENIO: Pilasters on the corners to give it some relief and lime stone cap of sorts.

MR. MINUTA: With the building were there any coins on the corners or just--

MR. COPPOLA: Not right now, we didn't do coining.

MR. MINUTA: If it's in the budget that would be really nice.

MR. COPPOLA: We'll take a look at that.

MR. ARGENIO: Thank you, Greg.

DR.\_LOUIS\_CAPPA\_SITE\_PLAN\_(07-06)

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Mr. Anthony Coppola appeared before the board for this proposal.

MR. ARGENIO: Dr. Louis Cappa site plan. This application proposes merger of two adjoining lots followed by an addition to the exist office. The plan was reviewed on a concept basis only. Is there somebody here to represent this?

MR. COPPOLA: That's me, Mr. Chairman, Anthony Coppola. This is an expansion of the existing medical office for Dr. Lou Cappa at 534 Blooming Grove turnpike.

MR. ARGENIO: No landscaping? This is it?

MR. COPPOLA: Yeah because we're going to zoning.

MR. ARGENIO: Got it, go ahead.

MR. COPPOLA: So basically there's existing lots where the existing 1,182 square foot practice is right now there's parking for that probably everybody's familiar with. The owner has purchased a second lot here that's about 17,000 square feet directly adjacent to the west and now we're combining these two lots and doing 3,757 square foot addition, one story addition. So there's the existing that's kind of a raised ranch style medical office building that remains unchanged and then the addition adjacent to it and we basically went around a couple different versions of this, look at an addition, look at the two buildings, two separate buildings, that didn't work for a number of reasons. So we came back to this. So there's parking in front, there's an existing parking area in front now that would be expanded, we do meet the number of parking spaces, there's a total of 33 parking spaces proposed that's for the new and the existing. Basically what we're here tonight for like I said is for a referral to

zoning, there's three items that we're below on, one is the development coverage.

MR. ARGENIO: What's required and what are you looking for?

MR. COPPOLA: Twenty percent which is extremely low, we have development coverage proposed of 55 percent.

MR. ARGENIO: So it's one and a half times?

MR. COPPOLA: Correct, that coverage is very low.

MR. ARGENIO: What do you mean it's low?

MR. COPPOLA: Well, I think it's--

MR. ARGENIO: It's code, isn't it?

MR. EDSALL: We believe that that's not the number that was intended to be in the code, hopefully it will be corrected.

MR. ARGENIO: Why do you say that, Mark?

MR. EDSALL: Every other development coverage in the ordinance for commercial sites is in the range of 70 to 85 percent as a maximum residential percentages generally are in that 20 percent range we suspect that number might be improperly inserted but we have advised the Town Board and they're looking to make it consistent.

MR. ARGENIO: What's the next one?

MR. COPPOLA: The second variance item is the lot size, the code requires a one acre lot, we have basically a 32,000 square foot lot or 3/4 of an acre and so there's a variance of quarter of an acre associated with that. The third item probably not a variance but we're going

to put it on our list anyway the rear yard, the existing rear yard setback is 13 foot 9, that's what's existing, what's allowed is 50 feet under the code but we're matching what we have so that also has to go to the zoning board to make a determination on that.

MR. ARGENIO: Typically, Mark, unless I'm misspeaking when you go there as long as you're not exacerbating an existing condition they kind of look favorably on it. You have a lot of coverage here, I don't want to go crazy because we're going to have a second chance after they come out of zoning but there's a lot going on here and you're at the threshold with 4,939 square feet so again another guy coming through just under the 5,000 square foot.

MR. COPPOLA: Yeah, that was not by design but that's how it turned out, that's really just all the parking that we can fit.

MR. ARGENIO: I'm going to caution you, Anthony, I want you to make sure that when you come back to us that you have a substantially increased level of detail associated with these plans, it sounds silly but that includes dumpster enclosure, Joe typically focuses on those things, flag poles, landscaping.

MR. COPPOLA: We absolutely will.

MR. MINUTA: Based on the coverage, I mean, with the other professional offices that are within this area typically it's been gravel as far as just a mess so that would actually clean that up and based on the amount of coverage I think I'd like to see a good amount of landscaping to sort of blend it in.

MR. COPPOLA: We agree, we do have areas to do that from our edge of pavement to the lot line from the sidewalk to the building and I think we can do that and I think we'd end up with something that's a vast



improvement over what you have right now in terms of what it looks like.

MR. ARGENIO: Note number 3, Mark, I recommend that we do a joint referral to the Orange County Planning Department with the ZBA and further advise the ZBA of the Planning Board's interest in assuming lead agency position under SEQRA process. What do we have to do to that end? Do we send them a letter?

MR. CORDISCO: As far as the referral to County Planning or lead agency?

MR. ARGENIO: Both.

MR. CORDISCO: Lead agency is simply a letter with the EAF, however, as far as the referral to County Planning is concerned both there has to be a referral as Mark pointed out for both planning board approval, for site plan and also for the variances from the Zoning Board. You can send joint referrals, my comments at this point I think ties in with your concern that additional detail needs to be placed on this plan, if the referral to County Planning should be with a plan that's nearly complete so that they can comment on the version of the plan in final form.

MR. ARGENIO: But they typically are not commenting on landscaping, things of that nature.

MR. EDSALL: They have.

MR. CORDISCO: They do.

MR. EDSALL: And given the long circulation we just got from County Planning they're looking for as much information as possible, Dom and I were just discussing there doesn't seem to be any downside of waiting until Anthony's back, has more complete plans and ship our version at that point.

MR. ARGENIO: I sat up here and espoused time and time again about having complete plans for review purposes, don't have a problem with that.

MR. CORDISCO: What's happened in cases are clear is that if there are substantial changes to plans, let's say you make the referral now but then the plans come back and they're revised or have a lot of additional details added than doesn't get referred to County Planning.

MR. ARGENIO: I'm with you, you don't have to tell me, I agree with you. You guys agree with that?

MR. VAN LEEUWEN: I see no problem.

MR. MINUTA: Yes.

MR. ARGENIO: So we should circulate lead agency coordination letter, is that right?

MR. CORDISCO: Yes, you can still--

MR. ARGENIO: Accept a motion.

MR. VAN LEEUWEN: So moved.

MR. MINUTA: Second it.

MR. ARGENIO: Motion has been made and seconded that the Town of New Windsor Planning Board circulate a lead agency coordination letter under SEQRA process. No further discussion, roll call.

ROLL CALL

MR. BROWN	AYE
MR. MINUTA	AYE
MR. VAN LEEUWEN	AYE

MR. ARGENIO                      AYE

MR. ARGENIO: We're going to wait on Zoning Board and you're on the County. And I'll accept a motion that we, the Town of New Windsor Planning Board determines this application for the Cappa site plan incomplete at this time.

MR. VAN LEEUWEN: So moved.

MR. MINUTA: Second it.

MR. ARGENIO: Motion has been made and seconded that the Town of New Windsor Planning Board declare the Cappa site plan on Route 94 incomplete at this time. If there's no further discussion from the board members, roll call.

ROLL CALL

MR. BROWN                      AYE  
MR. MINUTA                      AYE  
MR. VAN LEEUWEN              AYE  
MR. ARGENIO                      AYE

MR. ARGENIO: You have been referred to the Zoning Board and best of luck to you.

MR. COPPOLA: Thank you very much.

MR. CORDISCO: I have one other minor item is that I noticed in reviewing the application materials I did not see a short form EAF, in order to circulate for lead agency, we should have it.

MS. MASON: I have it now, I got it later on. I'll send you a copy.

MR. CORDISCO: Okay.

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MR. ARGENIO: That's why we have you, Dominic.

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WAL-MART\_OUT-LOT\_SUBDIVISION\_(07-08)

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MR. ARGENIO: Nobody is here, we're going to table that. Myra, did somebody call you on the Wal-Mart thing?

MS. MASON: No.

MR. ARGENIO: Do you know anything about that at all, the Wal-Mart thing, them not showing up?

MR. EDSALL: No.

WINDSOR\_GATE\_PLAZA\_EXPANSION\_AMENDED\_SITE\_PLAN\_(07-09)

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MR. ARGENIO: Windsor Gate Plaza. This application proposes some adjustments to the recent site plan approved. The amendment was reviewed on a concept basis only. Sir, can you please give your name for the benefit of the stenographer, please?

MR. CAPPELI: Alfred Cappeli, architect, C-A-P-P-E-L-I, I'm a project architect for the building. We submitted to the board a little verbiage as to some of the changes that we recommended when I was brought in to design the building, hopefully to enhance the building and the site plans plan, so if I might, I'll go over it.

MR. ARGENIO: Can I interrupt? For the benefit of everybody, myself included, what's the genesis of you're doing this? It's my understanding that this application already had approval at a prior date now you're here because?

MR. CAPPELI: I'm the project architect, unfortunately, I was brought in after the fact and I see some--

MR. ARGENIO: So they may have fired their prior engineer, that's possible?

MR. CAPPELI: There's no doubt he's been paid, he's gone, he finished getting his site plan approval through this board and he's done. He was never going to be the project architect for the building so I'm stepping not a little bit, you know, above and beyond but I think that there's some positive changes that could be made.

MR. ARGENIO: The other engineer satisfied his obligation to his clients, was paid or not, we don't care, it's none of our business and then they hired you?

MR. CAPPELI: To design the building.

MR. ARGENIO: Very good, thank you.

MR. CAPPELI: Okay, that being said, some of the changes that at least we'd like to suggest to the board one of the things in designing the building is to the right side of the building we're suggesting an exit stair tower, again, I'm brought in after the fact, I need two means of egress, I have to have a stair tower, I can take it out of within the building envelope but Mr. Brown, the previous engineer, happened to give me a very large sidewalk and I have the previously approved plan which allowed me to put an external stairwell if you will beyond the footprints of the original, of the original building envelope.

MR. ARGENIO: Have you moved the curb cut at all?

MR. CAPPELI: I did not. Is that's one change. Between the two buildings I'll call the existing building and the proposed addition, there was a 12 foot I'll call it breezeway connected on the second floor open on the first floor, I think it's a problem, I think it's a mistake, I think architecturally they should be connected on two floors. I'd like to create a two story atrium for vertical circulation, stairs, elevator, et cetera, I just felt that 12 foot alleyway is going to become nothing more than a dirt collector, garbage, et cetera.

MR. ARGENIO: You're probably right.

MR. CAPPELI: I've added that to the scope of the changes. The square footages of the building is existing and proposal has been changed to accommodate the parking, for instance, in the previous application the engineer had the first and the second floor of the existing building exactly the same square footage but

if you go over there, there's a five foot cantilever in the front of the existing building, how could the square footages be the same. So I corrected that. Also on the proposed building, the engineer had a five foot cantilever on the second floor of the proposed addition, my plans do not include that. So when all the dust settles and I add up the new square footages even including the stair tower into the square footage mix and the lobby I still have enough parking to satisfy the zoning ordinance. Change number 4 in front of the existing building I felt that the sidewalk existing five feet wasn't going to be changed, I felt that with vehicle overhangs, the car overhangs the sidewalk gives very little room to open up a door and pass by so I even increased that to eight feet from five feet, this original aisleway I believe was 28 feet and I reduced it to 25 feet.

MR. ARGENIO: Say that again.

MR. CAPPELI: So this parking area here opposite the existing building, the sidewalk was five feet, I increased it to eight feet, I had to take the--

MR. ARGENIO: Did you change the pavement aisle width?

MR. CAPPELI: I changed this pavement aisle width, yes, I did.

MR. ARGENIO: I'm questioning the aisle width, what did you say, Myra?

MS. MASON: Fire inspector when he was doing his review he saw that it was reduced to 25, he said he had enough with the back, most of the side on the left, the back and the other side and most of the front being 30 that little spot there really didn't matter much.

MR. CAPPELI: To the rear of the original site plan the original engineer had a series of parking spaces, the



lower floor being retail I just felt for access for delivery trucks in the rear of retail stores I want to get access to it so I eliminated the parking spaces and I created a quote unquote no park delivery fire zone, actually this area becomes even wider than it originally was. As a by-product of eliminating these spaces here I redesigned this row of parking to the rear in order to get proper number of parking spaces in, the way the previous engineer had it you can see for yourself not that there's anything wrong with it, we just felt that this worked a little bit better. So one of the few spaces I lost here I picked up along the rear property line so that curb line remains so that curb line as you can see it on the original site plan did not change, I just happened to take a few spaces from here, create some parking back here to give me some parking. In lieu of there was a very large planter right in the center opposite my entrance and I could see perhaps coming in the entrance and wanting to see green as opposed to paving. What I'm proposing here is to create a plaza, take that big massive planter that we know is going to become overgrown over years and block, you know, my stores and block my entrance which I'm trying to create that atrium if you will and created a plaza, same size, same footprint with several small planters, with some trees and perhaps some benches just to create something to be a little bit more open. And those are pretty much the changes. There's one other change that was made that I failed to mention. I went over this with Mark as well I changed the location of some of the handicapped spaces, there was some handicapped spaces in front of the existing building, I took them and I moved them over here and I added several back here, there's a back entrance, there's a front entrance, I just felt that opposite the existing deli and hair store if I was to put handicapped parking here I'm restricting access even more to those stores. I wanted to give these stores here as many parking spaces opposite their store if you will as possible and I just took those

handicapped spaces and moved them on this side of my planter.

MR. ARGENIO: On that little plaza area that he just described, is there any issue code wise with like having to have a cafe license or some such thing if there's benches out there or does that go away with no eatery or tables?

MR. EDSALL: Yeah, it's passive recreation.

MR. ARGENIO: I think it's a good idea, I just want to keep you out of trouble.

MR. EDSALL: I don't believe that's any problem.

MR. CAPPELI: I do have preliminary floor plans, I do have a preliminary exterior facade in the front if you're interested in seeing it.

MR. ARGENIO: I think you've done a good job here, I think that, you know, we have requirements in codes that we can enforce but within those codes and requirements there's certainly bad designs and good designs and we don't have the ability to regulate between the two, we can enforce the code but--

MR. VAN LEEUWEN: Do you need an elevator?

MR. CAPPELI: Absolutely I need an elevator and so and perhaps the original engineer was going to get it within the confines of a footprint itself so--

MR. ARGENIO: Mark, that elevator issue that's more--Henry's correct--

MR. EDSALL: That's a building department issue when they submit the building plans.

MR. MINUTA: That's happening within the building

envelope.

MR. CAPPELI: That's happening now in my new atrium that I'm creating in the center there between the two buildings. What I'd like to do is come up with a vertical circulation here and go two ways on the second floor, kind of makes sense. This building already has a back set of stairs, this building will have now at the end of, you know, possibly a central hallway.

MR. ARGENIO: How many handicapped spaces do you have?

MR. CAPPELI: Four, five, six.

MR. ARGENIO: Five are required. I'm reading from Mark's comments five handicapped spaces are required, if you don't, you need five.

MR. EDSALL: I believe that's right if he's between 100 and 125 it's five spaces.

MR. CAPPELI: I may be remiss, I may have to squeeze out another, I see 1, 2, 3, 4, I thought I had 5.

MR. EDSALL: I thought you did as well until I looked at the plan on this version.

MR. ARGENIO: I want to read this into the minutes, Mark's comments, this site plan remains subject to all the detailed requirements called for on the plan with stamp of approval dated 8/18 of '06, other than specifically modified on this amendment plan all improvements on the original plan remain in full force and effect as a requirement of the site plan with such layouts to be modified based on the amended revised layout.

MR. CAPPELI: Absolutely, matter of fact, we have a note on our site plan referencing Mr. Brown's drainage plans, landscaping plans, lighting plans.

MR. ARGENIO: Great, I'd like this verbiage on there as well.

MR. CAPPELI: It's on there now.

MR. ARGENIO: The verbiage that I just read?

MR. CAPPELI: I'll put yours on there, no problem, Mark's version.

MR. ARGENIO: Dominic, can you tell me about the negative dec that was previously declared under SEQRA process, does it still hold true for this new one or do we have to do a negative dec on this?

MR. CORDISCO: Well, I think you can affirm--

MR. ARGENIO: It's the same project.

MR. CORDISCO: It's a new application, it's a new application, even though it's amending a prior approval he's essentially, I think we have an updated EAF that's been submitted and you could rely on your prior negative dec but simply reaffirm it.

MR. ARGENIO: I will accept a motion we declare negative dec.

MR. VAN LEEUWEN: So moved.

MR. MINUTA: Second it.

MR. ARGENIO: Motion has been made and seconded that the Town of New Windsor Planning Board declare a negative dec on the Windsor Gate Plaza expansion site plan. If there's no further discussion, roll call.

ROLL CALL

MR. BROWN                    AYE  
MR. MINUTA                   AYE  
MR. VAN LEEUWEN            AYE  
MR. ARGENIO                AYE

MR. ARGENIO: Dominic, I'm leaning on you a little bit tonight, I'm going to lean on you for the Orange County Planning Department referral, I would say it probably has to go too.

MR. CORDISCO: Yes, it does.

MR. MINUTA: Is there a landscaping plan approved?

MR. EDSALL: There's already a full set of plans approved, what's being proposed and we need to hear anything contrary, if there is, in prior cases where some tweaking and adjustments were made beyond what's normally considered a field change the board reapproves or approves an amendment and the task Mike and I have in the field is to basically take all the improvements that were on the original plan and make them adjust to this plan, it's not a significant change but we basically make this plan mold into what was already approved.

MR. MINUTA: Ironically enough, I do feel that the site plan modification and the proposal is a significant change to the existing site as well as site plan.

MR. ARGENIO: It's certainly a significant change from the existing site but what we have to go off of is the one that was approved 8/18 of '06.

MR. MINUTA: Do you have a landscape plan from that date?

MR. CAPPELI: I don't believe I do, I mean, the confines of the parking and everything this remains exactly the same. This is exactly the same, none of

that has changed, all I did was reconfigure the parking so in terms of drainage in terms of the things of that nature and whatever bushes and plantings he had around the perimeter which was really the only area that you were limited to as you can see in green that has remained unchanged in terms of that small little strip.

MR. VAN LEEUWEN: Address it, clean it up a little bit, I'd like to see a flag pole there too.

MR. CAPPELI: If we were the original engineers I would have amended all the plans obviously and I don't want--

MR. ARGENIO: Mr. Minuta and Mr. Van Leeuwen?

MR. MINUTA: I'm very pleased, I will go on the record saying I'm very pleased to see this happen.

MR. ARGENIO: So we're going to be looking for a landscaping plan and you're going to be referred to the Planning Department so you have time to do that and as you pointed out just now the changes are going to be minimal so I would focus on that park area in the front and give us some type of landscaping plan next time you come in front of us. Do we have to do anything with lead agency?

MR. CORDISCO: Nothing for lead agency, no.

MR. ARGENIO: Again, we're going to go to number 5 and Mark's comments and talk about a public hearing. Now you have the drilling company on one side, you have railroad in the back and Mr. Peterson, how does the board feel about a public hearing? Howard, do you have any thoughts?

MR. BROWN: Who's on the side?

MR. ARGENIO: Railroad in the back, the well driller on the other side and you have some person named Peterson

to the west.

MR. VAN LEEUWEN: There's a lot of houses there, I think we should have a public hearing, Mr. Chairman.

MR. MINUTA: We have already had approval on this, it's an amendment.

MR. EDSALL: You did have a public hearing on February 22, 2006.

MR. ARGENIO: Henry, as far as I'm concerned what they're putting up here is better than what they had.

MR. EDSALL: Not to belabor the landscaping issue but I'm looking at, I was lucky to bring that full file, other than the stairway tower on the, what's that, the east end which still leaves room for landscaping, there are no areas where landscaping was approved by this board that have changed, so effectively we could impose the exact same landscaping this board approved.

MR. ARGENIO: You guys okay with that?

MR. EDSALL: Other than the area that has been explained at that entrance to change it, to put potted plants instead of one big large planting area.

MR. ARGENIO: I certainly don't have a problem but I defer to you.

MR. MINUTA: This will be a series of large planters?

MR. CAPPELI: We haven't gone to that level, something, maybe aboveground planters or inground planters.

MR. MINUTA: Trees?

MR. CAPPELI: Small trees, small canopy trees, no big maples or oak type trees.

MR. ARGENIO: You're on the record.

MR. CAPPELI: Not a problem at all and I have no problem at some point in time to submit a little something because I'm going to have prepare something for the contractor eventually for him to do so at some point in time there will be something.

MR. EDSALL: Why don't you add a note that says that the large landscaping area is going to be replaced with some ornamental trees so that what layout you apply is your client and your business but make sure we do get ornamental trees there.

MR. CAPPELI: Am I coming back here next month?

MR. ARGENIO: You have to by law because of the Orange County Planning Department.

MR. CAPPELI: So it's nothing for me to add that information for next month.

MR. MINUTA: I'm fine with that and I do appreciate the addition of that plaza and what you have done.

MR. ARGENIO: I Agree, I think that's a good idea. So we had the public hearing at the last approval so if anybody sees fit, I'll accept a motion that we waive the public hearing.

MR. VAN LEEUWEN: So moved.

MR. MINUTA: Second it.

MR. ARGENIO: Motion has been made and seconded that the Town of New Windsor Planning Board waive the public hearing for the Windsor Gate Plaza expansion amended site plan. No further discussion, roll call.



ROLL CALL

MR. BROWN	AYE
MR. MINUTA	AYE
MR. VAN LEEUWEN	AYE
MR. ARGENIO	AYE

MR. ARGENIO: Anything else we need to do?

MR. EDSALL: No, we'll take care of the referral to the County.

MR. ARGENIO: Sir, the directions clear? Yes? Don't forget about the flag pole with a flag as the old joke goes.

MR. CAPPELI: Not a problem.

MR. CORDISCO: Given the fact that we have to refer this to County Planning and it had been referred in the past and they returned it back with a local determination, I think we should just include that when we send it back to the County.

MR. EDSALL: I'll send a copy.

MR. ARGENIO: Absolutely, why wouldn't you include that, Dominic?

MR. CORDISCO: I think you should.

MR. ARGENIO: That's it, thank you.

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RANJIV\_SALLY\_(05-04)

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MR. ARGENIO: Anybody here to represent this? No,  
okay.

WAL-MART\_OUT-LOT\_SUBDIVISION\_(07-08)\_-\_CONTINUATION

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MR. ARGENIO: Anybody here from Wal-Mart?

MR. EDSALL: Mr. Chairman, the Wal-Mart application is a referral to the Zoning Board, rather than clog up our agenda, I would suggest that the board just deem it incomplete and ship to the Zoning Board.

MR. ARGENIO: Have you--

MR. EDSALL: We've gone over it with the applicant.

MR. ARGENIO: Tell me about it, Mark.

MR. EDSALL: If you recall from the rather exhaustive review that that board did with the Town of Newburgh Planning Board for the expansion of the Wal-Mart and then in turn you received applications for the Hudson Valley Federal Credit Union the front of the total project had three out-parcels, one was the existing Hudson Valley Federal Credit Union, there was a parcel in between that and a third parcel which was approved for a gas station use with Wal-Mart to the south, correct. Apparently those intentions have changed, they're looking to split the lot where the gas station was off as a separate lot, probably market it for some use, God knows what, they'll be back for a site plan approval, but that lot the way it was configured after they sold the middle lot to the Hudson Valley Federal Credit Union falls short of the lot width requirement.

MR. ARGENIO: That's the lot width on Union Avenue?

MR. EDSALL: Parallel generally to Union Avenue, it's not significantly short but it's short and since they have released the middle parcel they're now kind of stuck.

MR. ARGENIO: What would they be asking the zoning

board for?

MR. EDSALL: Relief on the lot width for that lot.

MR. ARGENIO: To what?

MR. EDSALL: To get a variance, an area variance so that they can come back to this board with a site plan of some sort. The bottom line is it's wide enough but only wide enough if you follow it to the road internal to Wal-Mart. If you do what our code says which is take the width parallel to the highway it comes up a little short.

MR. ARGENIO: So they're looking for relief from that lot width so they can come up with something?

MR. EDSALL: That's right, they have to come back here any way so whatever use it is has to work from a layout and functional basis.

MR. VAN LEEUWEN: So moved.

MR. ARGENIO: I'll accept a motion that we determine the Wal-Mart application incomplete.

MR. VAN LEEUWEN: So moved.

MR. MINUTA: Second it.

MR. ARGENIO: Motion has been made and seconded that the Town of New Windsor Planning Board determine that the Wal-Mart subdivision plan incomplete at this time. If there's no further discussion, roll call.

ROLL CALL

MR. BROWN	AYE
MR. MINUTA	AYE
MR. VAN LEEUWEN	AYE

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MR. ARGENIO

AYE

DISCUSSION

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LITTLE\_GYM\_-\_DESTINTA\_PLAZA

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MR. ARGENIO: I have one other thing here that came up late today which I'm not incredibly thrilled with but we're going to do what we're going to do with it. Mark, I don't know a lot about this, I'm told you know something about it so and as I said, I found out about it at 2:30 today and I'm told that a certain applicant thought he was on the agenda tonight and through a mistake in either understanding or some such thing Myra either misunderstood that he was supposed to be on the agenda or it was explained to her incorrectly, I'm not sure what it is exactly and I'm not going to get into it cause I really didn't care to be quite frank but I'm told you can shed some light, Mark, as a discussion item on Tot Time Daycare application in the Destinta Theater Plaza, Little Gym

MR. MINUTA: For the record what is it then?

MR. ARGENIO: What's your name?

MR. STORCH: Arron Storch, I'm the owner of the Little Gym, this is Mr. Kenwood, the owner of the Destinta Plaza there.

MR. EDSALL: I didn't know it was on the agenda until I got a call from Myra and I was down in Westchester County so I didn't even have the file with me, I just came back from Westchester and found myself here. It was discussed, it was originally discussed on the basis of what do we do with it.

MR. ARGENIO: With who, Mark?

MR. EDSALL: With the change, how do we handle the change?

MR. ARGENIO: What's the change?

MR. EDSALL: Again, my understanding it's being changed to this Little Gym or whatever.

MR. MINUTA: Mr. Chairman, I need to recuse myself from this as a member I represent the client Little Gym so I don't know what's appropriate for me to do.

MR. ARGENIO: I think you're supposed to take a hike.

MR. MINUTA: But my question is as his architect for the project the appropriate measure would be to represent him.

MR. VAN LEEUWEN: You can do that.

MR. ARGENIO: As his architect in front of this board no you can't.

MR. VAN LEEUWEN: I'm a little behind.

MR. ARGENIO: Not in 2007, not 2007.

MR. VAN LEEUWEN: I'm still a little behind then.

MR. ARGENIO: That's okay but I don't have a problem with you recusing yourself, Joe, that's fine, unfortunately, we're at a little bit of a disadvantage here because as I said to you today, Mike Babcock who as you told me, Joe, certainly knows a lot more about this project than I do. Go ahead, Mark.

(Whereupon, Mr. Minuta left the room.)

MR. EDSALL: Well, as I said, it came to me originally as a discussion item, a phone call how do I handle this change, is it a purely a park issue, there were no outside changes proposed. So really was a true change in use. What impact does it have and does it trigger

the need for a site plan amendment versus where two similar uses may change and the building inspector's office may deem that it is not a substantial change and it can be handled internally. After I looked at it and spoke with Joe about it to some extent I got ahold of the building inspector and Mike had serious concerns because he's received apparently a multitude of complaints from the smaller businesses at the complex that the parking is in plain terms messed up, that there's just such a demand for some to be blunt the theater use that it overruns the smaller uses and he's gotten so many complaints.

MR. ARGENIO: When the movies are busy which I have been there before the small vendors, i.e., the pizza place, the pharmacy, the liquor store are complaining because their patrons don't have any place to park.

MR. EDSALL: Correct, so they go someplace else. Mike says it's not that he's for or against it, I'm the same way, I'm not for or against it, he said that he didn't feel comfortable making that decision, that it has to come back to the planning board in an amendment form because he said I'm not going to make that decision. I said fine, I understand why because when you get that many complaints apparently it's been going on for quite a while, I don't mind sticking my neck out and Mike has made some decisions but not when there's this many complaints, he wants you to look at it, I thought that was a reasonable conclusion.

MR. ARGENIO: I agree with that.

MR. EDSALL: So you're really not going to have a plan that shows outside use changes, it's going to be an evaluation of the parking, what complicates the issue is this has shared parking to start off with, I didn't recall the whole history, Mike said he did.

MR. ARGENIO: There's certainly plenty of parking on



the site, it goes all the way around to Union Avenue.

MR. EDSALL: But there's a shared parking arrangement as this board approved it, if you can show that the application shows that one use has a demand at a different time the other does they can petition the board to allow for a shared use approach, again, I think that's reasonable. The only problem is apparently that's not what's happening, apparently, when the liquor store and the other stores want to have their patrons come in, there's no parking so they aren't exactly occurring at different times.

MR. ARGENIO: This would add to the--

MR. EDSALL: This Mike feels is worthy of your consideration, meaning the board's because there has, he's gotten complaints right or wrong that's why he wants you guys to look at it. So that's how I left it and that's why I'm kind of surprised that it's, I suggested they come in for discussion, that's the venue that we talked about, I didn't know it was on tonight.

MR. ARGENIO: I didn't know that they were looking to be on tonight until 2:30 this afternoon. I'm kind of new too.

MR. KENWOOD: Martin Kenwood from JMR Associates, owners of the plaza. As stated, the number of parking spaces I don't think is an issue. And if the problem is that the small users don't have, feel they don't have adequate access to the parking to the nearby parking when the theater is busy, the thought occurred to me if it might expedite matters that perhaps we can take 8, 10, 12 spaces and make them 30 minute only parking because that should solve the problem.

MR. ARGENIO: Liquor store and the pharmacy?

MR. KENWOOD: Liquor store, they're going in to pick up

a bottle of whatever.

MR. ARGENIO: It gets the moviegoers theoretically out of those stalls.

MR. KENWOOD: That's correct, it gets the liquor store people time enough to pick up whatever, it gets the drugstore patrons time to pick up their Viagra, it gets the Little Gym people time to drop off their kids and if they're not just dropping them off, I don't even know that you're going to be open then anyway.

MR. STORCH: Arron Storch, S-T-O-R-C-H, I've looked at the parking lot during its maximum occupancy Friday nights and Saturday.

MR. ARGENIO: It's busy.

MR. STORCH: Especially the whole front part is full, those really aren't our major hours, we're off during the week, we're not open on Friday night during those conflicting times and Saturday during the day, it's basically Saturday afternoon where the movies would be full. Our entire afternoon schedule is birthday parties where we're really only going to need 12 spots or so which our birthday party participants can park over on the Union Avenue side. We're taking those three corner spots there so I don't see how it would be a problem for any other of customers.

MR. ARGENIO: I think that that's a good suggestion.

MR. KENWOOD: So we're only dealing with short term parking for the liquor store, the pizzeria which we're signing up another pizzeria and pharmacy so if I have how many spots, 8, 10 spots, 30 minute parking should that not deal with everyone's concerns?

MR. ARGENIO: Let me just say this to you, Mr. Kenwood, I want to look at Mark and ask him a question,

unfortunately, we're a unique or the unfortunate position where our building inspector who we rely on very heavily he had pretty major surgery about a week and a half ago, I really want to hear from him on this, I really want to hear from him and I will not do anything unless I talk to him first. Mark, that idea that Mr. Kenwood suggested how do you feel about that?

MR. EDSALL: For the limited parking period that's what Dom and I were just discussing, we have, well, we have both dealt with other applications where such a restriction was placed and unless it's enforceable, it's no good. But Mr. Kenwood could execute an agreement with the Town of New Windsor which allows them to make the enforcement on the site, they could write a ticket.

MR. KENWOOD: I'd love to.

MR. ARGENIO: Explain that.

MR. EDSALL: When you try to enforce on private property, certain restrictions apply.

MR. ARGENIO: Can't do it.

MR. EDSALL: You need to have the police authorized to go on private property.

MR. ARGENIO: Mr. Kenwood would execute an agreement to allow us to do it, why wouldn't we pay the police to police his parking lot?

MR. EDSALL: I think the theater already has a security arrangement anyway so I don't think it's that far-fetched.

MR. CORDISCO: It would be a Town Board issue.

MR. ARGENIO: I don't think it's a bad idea, Mr.

Kenwood.

MR. KENWOOD: Even if it's not enforced by the town I think that just having a sign there that says 30 minimum parking violators will be towed at their own expense, I think we'd be a lot better off after we put signs up than we are today discussing it.

MR. ARGENIO: I agree. Let's do this, Mr. Kenwood, let me, I understand that in the next week at some point in time I will be able to speak to Mike Babcock, I do want to speak to him before we do anything and I will speak to him and Mark unless we do have a quorum we have three people unless you guys have a problem with that.

MR. VAN LEEUWEN: No.

MR. BROWN: No problem.

MR. ARGENIO: We'll see where we can go with that suggestion that you have and somebody will be contacting you Mark or Myra or I don't think it will be Mr. Babcock, might be one of his assistants, but if you are contacted by the building department, they'll speak for Mike. Anything else I can do for you?

MR. KENWOOD: If it's favorably reviewed, what would be our next step?

MR. ARGENIO: That's a good question. Mark?

MR. EDSALL: I think what we need to do is since we're only off a couple weeks let Mike, the chairman, Dom and myself have a chance to figure out if it's mandatory that it be considered an amendment or if it can be dealt with otherwise but I don't want to take a shot in the dark here, I think we're better off talking about it.

MR. ARGENIO: I agree, in any event, it's moving

forward, I think you have a good suggestion.

MR. KENWOOD: I'd entertain any other suggestions if you folks have anything.

MR. ARGENIO: You agree though, I understand your frustration, you would agree the problem there on that plaza is that I've seen this in this town before, it's not the quantity of stalls, it's the proximity of the stalls.

MR. KENWOOD: People don't like to walk.

MR. ARGENIO: They have the same problem at Shop Rite at Vails Gate, the stalls behind the Shop Rite building they built this huge expansive wall in the back and nobody parks in the parking lot, supposed to be employee parking lot, nobody parks there because it's so much more convenient for the employees to park in the front. Luckily, they do have overflow parking as you get to Route 32 so they don't have the problem you guys have but your place when it's an inclement weather day or Saturday or Sunday and I take my kids to the movies, bring your hiking boots. Which is okay, I don't have have a problem with that.

MR. KENWOOD: The theater's happy.

MR. ARGENIO: That's fine. Somebody will be contacting you.

MR. STORCH: Is there anything that we can do as the Little Gym and as you just said we have our parking on Union Avenue on the side there so I mean it's really not even that big of a walk while this parking issue is being resolved?

MR. ARGENIO: What does that mean have your parking on the side?

MR. STORCH: All the stalls on the Union Avenue side we're renting the far, looking at the building on the far left.

MR. ARGENIO: So you're there now?

MR. STORCH: Well, we're not open but all those spots there are right next to the space that we're leasing so--

MR. ARGENIO: What's your question?

MR. STORCH: My question is while the town, while Martin, while everyone is resolving the up front parking issues and the timing on it, is there any way for us to progress with our building permit so we can start building the inside of our space? We have been held up for months on this.

MR. ARGENIO: I'm not going to speak for the building department. Mark, do you have an answer to that question? Cause my answer to the question is I cannot speak for the building department.

MR. STORCH: The impression is I can't give the building department an application.

MR. ARGENIO: You can probably do that.

MR. EDSALL: I have been directed by the Supervisor to keep in regular contact with Mike and Mike has told me today he doesn't mind so I will ask him at my next convenience if Mike decides it's okay to review it.

MR. ARGENIO: They have rules and I don't know what they are.

MR. STORCH: Sure.

MR. ARGENIO: This is not going to sit for three weeks,

this is going to sit for three days, somebody will contact someone and we'll get it going.

MR. KENWOOD: I want to thank the board for hearing us this evening.

MR. ARGENIO: This is highly irregular, I have to tell you when I called Mark today at 2:30 he didn't know.

MR. KENWOOD: I don't know what happened, I don't care but thank you.

MR. VAN LEEUWEN: You've owned those buildings a long time.

MR. ARGENIO: You certainly pay a lot of taxes in this town, you've had much success and you should have more success and that's important to us.

MR. KENWOOD: Thank you.

MR. STORCH: I was under the impression that the point of the discussion item here was to decide if we needed to go to planning on this and if not, we were going to get an okay to turn in our plans to the building department. In a couple days we'll know that?

MR. ARGENIO: You're ahead of the curve right now. Do yourself a favor.

MR. KENWOOD: Quit while we're ahead.

MR. STORCH: Quitting. Thank you, sir.

SENIOR\_REGULATIONS

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MR. ARGENIO: As you guys know, we previously reviewed the senior regulations in this town, those senior regulations they started during the Meyer's years and carried into the Green years and we reviewed a version of those senior regulations and we approved them as a board, you don't have to do it tonight, Henry, we approved them as a board and the current administration to a great extent is in favor of those regulations as written but there are some very, very minor changes that they wanted to make to those senior regulations. What I have just handed you is a copy of those senior regulations and the cover sheet is about a page or so, 4 changes or 5 changes, I don't know how many it is exactly, it's not many that I would ask the members to review and we'll vote on them at the next meeting because Town Board wants to act on it and the heavy lifting is done, these are just some minor changes that this administration would like to see. So take a look at it, Howard and Henry and I'm going to give one to Joe outside and we'll go from there. Mark, go ahead.

MR. EDSALL: One change that you should be aware of and it was kind of an organizational change, the decision was made to pursue an alternative for totally affordable senior housing, wherein instead of having a percentage of affordable units you'd want the applicant to have the ability to come in and propose a project with all the units affordable.

MR. ARGENIO: Thus the name totally affordable.

MR. EDSALL: Correct, that's Section 18 (a), that's a piggyback law, it says everything in 18 applies other than what we tell you in 18, 18 (a) is being amended so it's totally affordable just so you understand how it's set up.

MR. ARGENIO: Motion to adjourn.



March 14, 2007

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MR. VAN LEEUWEN: So moved.

MR. BROWN: Second it.

ROLL CALL

MR. BROWN	AYE
MR. VAN LEEUWEN	AYE
MR. ARGENIO	AYE

Respectfully Submitted By:

Frances Roth  
Stenographer